

## SCHEDULES

### SCHEDULE 2

#### DISTRIBUTION OF FUNCTIONS WHERE ORDER MADE UNDER SECTION 12

##### PART III

###### FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT SCHOOL PLACES IS TRANSFERRED

###### *Charges for board and lodging or independent education*

- 10 (1) This paragraph applies where any pupil ordinarily resident in the area is being provided with board and lodging (at a boarding school or otherwise than at school) or with education at a school which is not a maintained or grant-maintained school.
- (2) If board and lodging is provided at a school maintained by the responsible education authority and the authority are of the opinion that it is desirable for the pupil to be provided with board and lodging, or board and lodging otherwise than at school is provided by the authority, (but in any of those cases paragraph 9(3) above does not apply) then—
- (a) the authority may remit the whole or any part of the charges payable to them under this Schedule in respect of the board and lodging, and
  - (b) if they are of the opinion that, in order to avoid financial hardship to the pupil's parent, the parent should not pay the whole or any part of those charges, the authority shall remit the whole or, as the case may be, that part of those charges.
- (3) If board and lodging otherwise than at school is provided by the funding authority or board and lodging is provided at a grant-maintained school or a school maintained by another local education authority (but in any of those cases paragraph 9(3) above does not apply)—
- (a) the responsible education authority may pay the charges payable to the funding authority, or any local education authority or governing body, under this Schedule or the existing charging provisions in respect of the board and lodging, and
  - (b) if they are of the opinion that it is desirable for the pupil to be provided with board and lodging, they shall pay so much (if any) of those charges as in their opinion is required to be paid by them in order to avoid financial hardship to the parent.
- (4) In any other case to which this paragraph applies (but paragraph 9(3) above does not apply)—
- (a) the local education authority may pay the whole of the fees payable in respect of the board and lodging or, as the case may be, the education, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) if they are of the opinion that it is desirable for the pupil to be provided with board and lodging and appropriate for him to be provided with the particular board and lodging, they shall pay so much (if any) of the fees payable in respect of board and lodging as in their opinion is required to be paid by them in order to avoid financial hardship to the parent, and
  - (c) if they are of the opinion that it is desirable for the pupil to be provided with education otherwise than in a maintained or grant-maintained school and appropriate for him to be provided with the particular education, they shall pay so much (if any) of the fees payable in respect of the education as in their opinion is required to be paid by them in order to avoid financial hardship to the parent.
- (5) In this paragraph the “responsible education authority”, in relation to a pupil ordinarily resident in any area, means the local education authority for the area.
- (6) This paragraph does not apply in the case of a pupil for whom a statement is maintained under section 168 of this Act.